

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
SEPTEMBER 13, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:07 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. Late arrival: Jose Alexandro Lozano at 9:13 a.m. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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Prior to the reading of the Mayor's Proclamations, Mayor Cook gave an update on the status of the Hurricane Katrina evacuees.

MAYOR'S PROCLAMATIONS

1. ***WOMEN'S REALTORS DAY***
2. ***LIBRARY CARD SIGN-UP***
3. ***CHILDHOOD CANCER AWARENESS WEEK***
4. ***UTEP SPIRIT DAY***

Honorary Citizen Certificates were presented to Petronella Nyathi and Julia Chiloane.

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CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Ishmael P. Estrada, taxi driver, commented on several issues pertaining to taxis and taxi drivers.
2. Mr. Hans Rosenfeld, citizen, gave a Powerpoint presentation on a marketing tool for the City of El Paso. (presentation on file in the City Clerk's Office)
3. Mr. Brian Kennedy, President/CEO, El Paso Sports Commission, spoke on the United States Specialty Sports Association World Hispanic Softball Tournament for Men and Women in 2005 to be held in El Paso.

The following City staff members also commented.

1. Dr. Norman Merrifield, Director of Parks and Recreation.
2. Mr. Doug Barnes, Superintendent of Sports with the Parks and Recreation Department.
3. Ms. Paula Powell, Parks and Recreation Department employee.

The following member of the public commented.

4. Mr. George Heredia

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Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).
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*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of August 30, 2005 and the Special City Council Meetings of August 11, (First Public Hearing on the proposed Property Tax Rate), August 17, (Economic Summit), August 18 (Economic Summit), 2005.

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.
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***RESOLUTION**

WHEREAS, on September 26, 2000 the City of El Paso ("Lessor") entered into an Air Cargo Center Agreement ("Agreement") with EGL Eagle Global Logistics, LP ("Lessee") to lease building and ramp space at the Airport's new air cargo facility located at 301 George Perry Drive, El Paso, Texas.

WHEREAS, the Agreement will expire on October 31, 2005 and the Lessee is requesting that the Agreement be continued on a month-to-month basis; and

WHEREAS, the Lessor has no objections to continuing the Agreement on a month-to-month basis until December 31, 2005.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That EGL Eagle Global Logistics, LP is allowed to continue the Air Cargo Center Agreement that expires on October 31, 2005, on a month-to-month basis without holdover penalty until December 31, 2005.
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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso Municipal Code, the City Council of the City of El Paso, by Resolution dated the 1st day of February, 2005, after due notice and hearing, ordered MARTINA PULIDO SOSA, record Owner of the hereinafter described property that the Building be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to demolish the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permits and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 13, Block B, Moeller's Addition to Garden Subdivision of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, According to the map thereof on File in Book 14, Page 21, Plat Records of El Paso County, Texas, municipally known and numbered as 3025 East San Antonio Avenue, El Paso, Texas,

to be \$8,870.94, performed by the Street Department of the City of El Paso, and \$794.35, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$9,665.29. The City Council finds that the work was completed on the 18th day of May, 2005, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of NINE THOUSAND SIX HUNDRED SIXTY-FIVE AND 29/100 DOLLARS (\$9,665.29) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

NOTE: Resolution was approved as revised. Resolution was revised to read Martina Pulido Sosa rather than Edward J. Jenkins and Susan M. Jenkins as posted on the agenda.

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***R E S O L U T I O N**

WHEREAS, on February 28, 2003, the President issued Homeland Security Presidential Directive (HSPD)-5 that directed the Department of Homeland Security, in cooperation with representatives of federal, state, and local government, to develop a National Incident Management System (NIMS) to provide a consistent approach to the effective management of situations involving natural disasters, man-made disasters or terrorism; and

WHEREAS, the final NIMS was released on March 1, 2004; and

WHEREAS, the NIMS contains a practice model for the accomplishment of the significant responsibilities associated with prevention, preparedness, response, recovery, and mitigation of all major and national hazards situations; and

WHEREAS, the HSPD-5 requires that state and local governments adopt the NIMS by fiscal year 2005 as a pre-condition to the receipt of federal grants, contract and activities related to the management and preparedness for certain disaster and hazard situations; and

WHEREAS, the City Council for the City of El Paso, Texas desires to adopt the NIMS as required by HSPD-5.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council adopt the National Incident Management System (NIMS) as the standard for incident management by the city of El Paso.

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***R E S O L U T I O N**

WHEREAS, Ordinance No. 15006, approved by the City Council of the City of El Paso on December 24, 2001, authorizes the Council to declare limited periods of "amnesty" to allow borrowers of items from the El Paso Public Library to return overdue items or items previously considered lost, without payment of the applicable overdue fines or fees for lost items; and

WHEREAS, the Library desires to encourage the prompt return of overdue items or items previously considered lost in conjunction with celebrating September as Library Card Sign-Up Month;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the week of September 18, 2005, through September 24, 2005, be declared "Amnesty Week" for the El Paso Public Library ("the Library") to allow borrowers of items from the Library to return overdue items or items previously considered lost, without payment of applicable overdue fines or fees for lost items, and to allow the Library to accept return of such items without payment of such fines or fees.

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*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **DELETE** the Resolution that the City Manager be authorized to sign, on behalf of the Parks and Recreation Department and other City departments, an Agreement with the American Red Cross providing co-sponsorship by the Parks and Recreation Department for the "Ready El Paso" training day to be held on Saturday, September 17, 2005, the Hilos de Plata Center, for the purpose of providing essential emergency preparedness and lifesaving training to the citizens of El Paso. The City, pursuant to Section 13.24.200, El Paso Municipal Code, will waive the user fee for this event.

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

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Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO

That the Mayor be authorized to sign an Interlocal Government Agreement between the City of El Paso and the County of El Paso/District Attorney, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System and program from September 1, 2005 through August 31, 2006, in an amount not to exceed \$391,319.00.

Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **APPROVE** the above Resolution.

Mayor Cook and Representatives Byrd, Lozano, Presi Ortega, Jr. and O'Rourke commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager.
2. Mr. Charlie McNabb, City Attorney.

The following members of the public commented:

1. District Attorney Jaime Esparza responded to the questions and/or comments of the Council Members.
2. Ms. Lisa Turner asked questions of the District Attorney.

*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **RE-APPOINT** Michael Dean Shoffit to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Susie Byrd, District 2.

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** installation, power, and maintenance of residential street light at the following location:

Alley behind 627 & 629 Upson Estimated cost is \$464.00
Funding source to be provided from District 8's Discretionary Account Council Special Project (Department ID #01010008, Project #504420, Fund #01101, Class #01001)

Representatives Lozano, Castro, Presi Ortega, Jr. and Holquin, Jr. were not present for the vote.

*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried that Council **AUTHORIZE** that \$110,000 be transferred from the Dorris Van Doren (Westside) Regional Branch Library to the Main Library project. These funds are from the project contingency and are savings to the Westside library project. Funding Source - 2000 QOL Bond Program.

Representatives Lozano, Castro, Presi Ortega, Jr. and Holquin, Jr. were not present for the vote.

*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **AWARD, AS AMENDED**, Bid Solicitation No. 2005-245 Hidden Valley Park Jogging Path Improvements

Location: 200 Coconut Tree Lane
Contractor: Matyear Construction Co., Inc.
El Paso TX

Department:	Parks and Recreation
Funds Available:	71150069-G7130CD0040-07820-508027
Funding Source:	Community Development
Items:	Base Bid I
	\$63,269.00 (estimate)
Total Award:	\$63,269.00 (estimate)
Estimated Completion Date:	November 18, 2005

The Departments of Engineering and Parks and Recreation recommend the award of this contract to Matyear Construction Co., Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representatives Lozano, Castro, Presi Ortega, Jr. and Holquin, Jr. were not present for the vote.

NOTE: District was revised to read District 3 rather District 6 as posted on the agenda.

*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **AWARD** Bid Solicitation No. 2005-237 Mesa Terrace Park Improvements

Location: 1221 Selden Dr.
Contractor: F.T. James Construction, Inc.
El Paso, Texas

Department: Parks & Recreation
Funds Available: 71150069-G7130CD0014-07796-508027
Funding Source: Community Development Grant (B04MC480015)
Items: Base Bid \$259,011.00
Total Award: \$259,011.00
Estimated Completion Date: December, 2005

The Departments of Engineering and Parks and Recreation, recommend the award of this contract to F.T. James Construction, Inc. the low responsible, responsive bidder. It is requested that the Manager of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

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Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **MOVE TO THE REGULAR AGENDA** Bid Solicitation No. 2005-237 Mesa Terrace Park Improvements

Representatives Lozano and Presi Ortega, Jr. asked questions of City staff members.

The following City staff members commented:

1. Mr. Byron Johnson, Deputy Director of Financial Services
2. Mr. Patrick Abeln, Director of Aviation

Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried to **AWARD** Bid Solicitation No. 2005-191 Shuttle Buses, 13-Passenger

Award to: National Bus Sales
Justin, TX
Item (s): 1
Amount: \$211,716.00

Department: Department of Aviation
Funds available: 62620020-508006-41022-P500004
Funding source: Airport Capital Funds
Total award: \$211,716.00

The Department of Aviation and the Financial Services Department recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase for four (4) "Shuttle Buses, 13-Passenger", for the Department of Aviation.

There was an option of purchasing up to one hundred percent [100%] of the original contract quantities, at the same unit price, if the option is exercised within 10 Months from date of award of the contract. No prompt payment discount is offered.

Representative Holguin, Jr. was not present for the vote.

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Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **MOVE TO THE REGULAR AGENDA** BT2006-006 OFFICE OF MANAGEMENT & BUDGET

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin Jr. were not present for the vote.

Ms. Joyce Wilson, City Manager, explained the need to increase the amount of the budget transfer and stated that all costs associated with the Hurricane Katrina evacuees are 100% reimbursement from FEMA.

Mayor Cook complimented City staff members for keeping track of the expenditures associated with the evacuees and noted that the City's monies had come from contingency and emergency funds.

Motion made by Representative Lozano, seconded by Representative Lilly and unanimously carried to **APPROVE, AS AMENDED**, BT2006-006 OFFICE OF MANAGEMENT & BUDGET

Representative Presi Ortega, Jr. was not present for the vote.

Establishment of a reimbursable fund for the tracking of all costs associated with any and all measures taken by the City of El Paso to provide relief to the evacuees the City has received from New Orleans.

Increase	\$1,000,000	to	22150024/G22060407172/406000	FedGrntProc
Increase	\$1,000,000	to	22150024/G22060407172/505200	CommSvcProj

NOTE: The budget transfer amount was amended to \$1,000,000 from the \$500,000 as posted on the agenda.

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*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request of El Buen Pastor Church to use amplification (2 microphones, 2 speakers and 2 amplifiers) at Borderland Park – 6327 Modesta on September 23, 2005 from 6:00 p.m. to 9:00 p.m. for an evangelization campaign. Approximately 25 persons will take part and 25 spectators are anticipated. PERMIT # 05-121 [Emilio Urena]

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request of First Spanish Assembly of God to block off Esther Rd between Yarbrough and Lafayette on September 16, 2005 from 12:00 p.m. to 12:00 a.m. for a festival. Approximately 300 persons will take part and 300 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (6 microphones, 2 amplifiers and 5 speakers). PERMIT # 05-122 [Esequiel Garcia]

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

Ms. Lisa Turner, citizen, commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager.
2. Mr. Alan Shubert, Deputy Director of Development Services.

*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request of Franklin High School to hold a homecoming parade on September 22, 2005 from 6:00 p.m. to 7:00 p.m. Route: Start at Hornedo/Franklin parking area, proceed on Redd Rd to Westwind, turn right on Westwind to Belvidere, turn right on Belvidere to Resler, turn right on Resler and finish at Franklin High School. Approximately 300 persons, 10 vehicles, floats will take part and 200 spectators are anticipated. PERMIT # 05-123 [Lisa Thompson]

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request of Alzheimer's Association to hold a 5K walk/run on September 24, 2005 from 6:00 a.m. to 12:00 p.m. Route: Start at Cohen Stadium parking lot to Cohen St, turn right on Cohen St to Kenworthy, turn right on Kenworthy to Spring St, turn right on Spring St to San Andres St, turn left on San Andres St to Folsom St, turn left on Folsom St to Kenworthy, turn left on Kenworthy to Cohen St, turn left on Cohen St to parking lot, enter parking lot and finish inside Cohen Stadium. Approximately 800 persons, 300 vehicles, 30 animals will take part and 100 spectators are anticipated. This request includes permission to use amplification (Cohen Stadium P.A. system). PERMIT # 05-125 [Frank Lopez]

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request of Bowie High School to hold a homecoming parade on September 24, 2005 from 10:00 a.m. to 11:30 a.m. Route: Start on Fourth to Cotton, turn left on Cotton to Seventh, turn right on Seventh to Oregon, turn right on Oregon to Father Rahm, turn right on Father Rahm to Cotton, turn left on Cotton to Fourth, turn right on Fourth and finish between Cotton and Coles. Approximately 300 persons, 15 vehicles will take part and 2,500 spectators are anticipated. This request includes permission to use amplification (1 small amp). PERMIT # 05-124 [Sam Attel]

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request of Priscilla Siqueiros to block off Woodall between 3001 and 3040 on September 17, 2005 from 6:00 p.m. to 1:00 a.m. for a block party. Approximately 150 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (1 microphone, 2 speakers and 1 amplifier). PERMIT # 05-126 [Priscilla Siqueiros]

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

Ms. Lisa Turner, citizen, commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager.
2. Mr. Alan Shubert, Deputy Director of Development Services.

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*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **DELETE** the Introduction to an Ordinance amending Title 19 of the El Paso Municipal Code by amending Chapter 19.16 (Improvement Standards and Design Principles) by replacing Section 19.16.050.H (Preservation of Arroyos). The Penalty is as provided for in Section 19.04.190.

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

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Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

10B. An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, to amend Rule 29 in its entirety, to revise the procedures and requirements under which employees may be granted permission for Outside Employment.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 27, 2005 FOR ITEM 10B

Representative Presi Ortega, Jr. was not present for the vote.

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign an Amendment to the February 15, 2005, Agreement between the City and PDNG Foundation providing for extension of the term of the Agreement until March 31, 2006, and revising the notice address and Scope of Services for development by Paso del Norte Group of a Downtown Master Plan.

Motion made by Representative Lozano, seconded by Representative O'Rourke and carried to **APPROVE** the above Resolution.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke

NAY: Representative Castro

Mr. John Nance, Assistant City Attorney commented.

The following members of the public commented:

1. Ms. Myrna Deckert, Chief Operating Officer, The Paso del Norte Group ("PDNG"), Ms. Deckert publicly thanked Ms. Tracy Yellen and Messrs. Harris and Gallinar, PDNG Foundation Committee members. She complimented the public/private partnership between the City of El Paso and the Paso del Norte Group. She stated that a San Francisco planning firm had been selected to develop the Downtown Master Plan. She stated for the record that members of the Paso del Norte Group did not own any property located in the downtown El Paso area. She responded to questions and/or comments of the Council Members.
2. Mr. Carlos Gallinar, representing Centro de Salud Familiar La Fe, Inc., stated that La Fe has a viable stake in the project and requested the Council approve the six-month extension to ensure the project is done correctly.
3. Ms. Lisa Turner spoke in opposition to the Agreement extension.
4. Mr. Richard Schechter spoke in opposition to the Agreement extension.

Mayor John Cook and Representatives O'Rourke, Castro, Lozano and Presi Ortega, Jr commented.

Representative Steve Ortega stated for the record, that the contract was originally signed February 15, 2004 and had not been in effect for one year.

NO ACTION WAS TAKEN regarding the discussion and action on the recent increase in gasoline prices and what cities and us as a community can do to respond to the severe financial impact.

Mayor John Cook and Representatives Lozano and Holguin commented.

Ms. Joyce Wilson, City manager, responded to Representative Holguin's concerns.

1ST AND FINAL MOTION:

Motion made by Representative Lozano, seconded by Representative Steve Ortega and unanimously carried to **SUSPEND** the Rules of Order to allow for public comment.

The following member of the public commented:

Mr. Jose Sanchez, Director of Transportation, Ysleta Independent School District, commented on the impact of increased gasoline prices and recommended that the Council and other public entities request that the legislature provide supplemental funding to School Districts to allow the District to continue serving the students.

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Motion made by Representative Lozano, seconded by Representative Lilly and carried to **APPROVE** budget transfer BT2006-002 SOLID WASTE MANAGEMENT

Mayor John Cook and Representatives Lozano, Castro and Holguin, Jr. asked questions and/or made comments.

The following City staff members commented:

1. Mr. David Almonte, Director of OMB
2. Ms. Joyce Wilson, City Manager

To transfer available funds from bond revenue projects which are completed or not currently planned to the Clint Landfill project.

Decrease	\$ 529,037.00	from	34340300/PSWM000640426/407020	OrigBondProc
Decrease	\$ 529,037.00	from	34340300/PSWM000640426/508027	Construction
Decrease	\$2,999,589.20	from	34340300/PSWM001440426/407020	OrigBondProc
Decrease	\$2,999,589.20	from	34340300/PSWM001440426/508027	Construction
Decrease	\$ 44,795.01	from	34340100/PPWFA0301940426/508026	Inspections
Decrease	\$ 296,053.46	from	34340100/PPWFA0301940426/508027	Construction
Decrease	\$ 7,500.00	from	34340100/PPWFA0301940426/508051	CityEngineer
Increase	\$3,876,974.67	to	34340300/PSWM001240426/407020	OrigBondProc
Increase	\$3,876,974.67	to	34340300/PSWM001240426/508027	Construction
Decrease	\$ 348,348.47	from	34340100/PPWFA0301940426/407020	OrigBondProc

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representatives Castro and Holguin, Jr.

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Motion made by Representative Lozano, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** budget transfer BT2006-005 COMMUNITY & HUMAN DEVELOPMENT

Financial analysis was performed on the revolving loan fund at fiscal year end. It was then determined that there was excess revenue that could be appropriated per HUD and utilized in accordance with the Workout Plan which the City is required to follow in order to correct a HUD finding about the City's CDBG expenditure rate.

Increase	\$1,000,000	to	71150039/G710RLFCDAH09903/405065	MiscNonORev
Increase	\$1,000,000	to	71150039/G710RLFCDAH09903/505208	1stTmHmBuy

Representatives Castro and Byrd asked questions and/or commented.

The following City staff members commented:

1. Ms. Nathalie Prise, Director of Community and Human Development
2. Mr. David Almonte, Director of OMB

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Motion made by Representative Holguin, Jr., seconded by Representative O'Rourke and unanimously carried to **POSTPONE TWO (2) WEEKS** request approval for the Director of Purchasing to reject the bids submitted for Solicitation No. 2005-233, Caribe Park Improvements. The sole bid received exceeds the

budget appropriated for this project. It is recommended by the Purchasing, Engineering and Park and Recreation Departments that this item be re-bid with revised specifications.

Representative Holguin, Jr. requested that the item be postponed.

Ms. Joyce Wilson, City Manager, commented.

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Motion made by Representative Lozano, seconded by Representative Presi Ortega, Jr. and unanimously carried to **REJECT THE BIDS** submitted for Solicitation No.2005-229, Cohen Stadium Improvements. The bids received exceeded the budgeted amount appropriated for this project, it is recommended by the Financial Services and Engineering Departments that this item be re-bid with revised specifications.

Mr. Byron Johnson, Deputy Director of Financial Services, provided explanation.

Representative Presi Ortega, Jr. asked questions and/or made comments.

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Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AUTHORIZE** that \$147,635.59 be transferred from New Delta Senior Center and New Delta Pool projects to Zoo Western Expansion projects. These funds are from the project contingencies and are savings to the Delta projects approved / financed under the Zoo Proposition:

No.	Name of Project	Dist	Budget
1	New Entry	3	\$ 3,582,900
2	Old Exhibits	3	\$ 2,010,000
3	Parking Expansion	3	\$ 1,610,400
4	Africa Expansion	3	\$ 15,651,700
	Delta Senior Center Contingency	3	\$ 110,985
	Delta Pool Contingency	3	\$ 36,650
	Total		\$ 23,002,635

Mr. Juan Contreras, Perspectiva + 3 D/I, commented.

.....
Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried to **AUTHORIZE** that \$200,000 be transferred from Zoo Support Facilities to Zoo Western Expansion projects. These funds are from the project contingency and are savings to the Zoo Support Facilities projects. The allocated funds are for the construction of the Education Classroom Building and are to be used to leverage matching funds for future Education grants:

No.	Name of Project	Dist	Budget
1	New Entry	3	\$ 3,582,900
2	Old Exhibits	3	\$ 2,010,000
3	Parking Expansion	3	\$ 1,610,400
4	Africa Expansion	3	\$ 15,651,700
	Delta Senior Center Contingency	3	\$ 110,985
	Delta Pool Contingency	3	\$ 36,650
	Zoo Support Contingency	3	\$ 200,000
	Total		\$ 23,202,635

There was no discussion.

.....
Motion made by Representative Lozano, seconded by Representative Castro and unanimously carried to **SUSPEND** the Rules of Order regarding electronic voting for the remainder of the meeting.

.....
Item: Discussion and action on petition submitted by Ranchos Real IV, LTD requesting that the El Paso City Council consent to the inclusion of land in, or the creation of, a conservation and reclamation district

under either Chapters 51 and/or 54, Texas Water Code (the "Code Chapters" or by special act of the Texas Legislature (the "Act"). The land proposed for inclusion is 2,019.731 acres and the name of the proposed district is Tierra Del Este Municipal Utility District.

1ST MOTION:

Motion made by Representative Lozano, seconded by Representative Holguin **TO APPROVE** the petition submitted by Ranchos Real IV, LTD requesting that the El Paso City Council consent to the inclusion of land in, or the creation of, a conservation and reclamation district under either Chapters 51 and/or 54, Texas Water Code (the "Code Chapters" or by special act of the Texas Legislature (the "Act"). The land proposed for inclusion is 2,019.731 acres and the name of the proposed district is Tierra Del Este Municipal Utility District.

AYES: Representatives Lozano, Castro and Holguin, Jr.

NAYS: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke

THE MOTION FAILED.

2ND AND FINAL MOTION:

Motion made by Representative O'Rourke, seconded by Representative Byrd and carried **TO DENY** the petition submitted by Ranchos Real IV, LTD requesting that the El Paso City Council consent to the inclusion of land in, or the creation of, a conservation and reclamation district under either Chapters 51 and/or 54, Texas Water Code (the "Code Chapters" or by special act of the Texas Legislature (the "Act"). The land proposed for inclusion is 2,019.731 acres and the name of the proposed district is Tierra Del Este Municipal Utility District.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representatives Castro, Lozano and Holguin, Jr.

Mayor Cook and Representatives Lozano, O'Rourke, Steve Ortega, Castro, Byrd, and Presi Ortega, Jr., asked questions and/or made comments.

The following members of the public commented:

1. Mr. Richard Hamala, attorney representing Ranchos Real IV, LTD.
2. Mr. Doug Schwartz, applicant.
3. Ms. Linda Troncoso, citizen.
4. Mr. Conrad Conde, Southwest Land Development representative.
5. Mr. Carl Shahady, citizen.

1. Mr. Matt Watson, Assistant City Attorney
2. Mr. Charlie McNabb, City Attorney
3. Ms. Patricia Adaauto, Deputy City Manager, Development and Infrastructure Services, recommended that the Council not approve the MUD as presented on the agenda today.
4. Mr. George G. Sarmiento, Deputy Director of Planning.
5. Mr. Rudy Valdez, Chief Urban Planner.

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON CHARLES SCHULTE FROM SUN COUNTRY DRIVE TO ZARAGOZA ROAD, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke

NAYS: None Absent: None

ORDINANCE 16161

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, that the Ordinance be **ADOPTED, AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke

NAYS: None Absent: None

ORDINANCE 16162

REGULAR COUNCIL MEETING – SEPTEMBER 13, 2005

Motion duly made by Representative O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 10, BLOCK 23, COOPERSTOWN SUBDIVISION UNIT 2, EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC/C (COMMERCIAL/SPECIAL CONTRACT/CONDITIONS). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Motion made by Representative Castro, seconded by Representative Byrd and unanimously carried to **ALLOW** Ms. Lourdes Luna, daycare center owner, an additional three minutes to address the Council.

Motion made by Representative Castro, seconded by Representative Byrd and unanimously carried to **DENY** an Ordinance changing the zoning of Lot 10, Block 23, Cooperstown Subdivision Unit 2, El Paso, El Paso County, Texas from A-O/SC (Apartment-Office/Special Contract) to C-1/SC/C (Commercial/special contract/conditions). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: David Scepanski. Location: 5270 Sean Haggerty. ZON05-00051

Representatives Byrd, Lozano, Castro, O'Rourke, Presi Ortega, Jr., Steve Ortega, Lilly and Holguin, Jr. asked questions and/or made comments.

1. Mr. George G. Sarmiento, Deputy Director of Planning, gave a Powerpoint presentation and noted that the Planning Department has received opposition to the case.
2. Mr. Charlie McNabb, City Attorney, commented.

1. Ms. Marcela Garlick
2. Ms. Debbie Sutton
3. Ms. Diana Greer

1. Mr. Dave Scepanski, property owner
2. Ms. Lourdes Luna, daycare center owner.

ORDINANCE 16163

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 3, WOMBLE ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM A-O (APARTMENT OFFICE) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The following City staff members commented:

1. Mr. George G. Sarmiento, Deputy Director of Planning.
2. Mr. Rudy Valdez, Chief Urban Planner.

Representatives Byrd, O'Rourke, Steve Ortega, and Lozano, commented.

Mr. Andres Lopez, representing the El Paso Federal Credit Union, commented.

Motion duly made by Representative Lozano, seconded by Representative Presi Ortega, Jr., that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Member Castro

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....

ORDINANCE 16164

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00049, TO ALLOW FOR A GROUND-MOUNTED CELLULAR TELECOMMUNICATIONS ANTENNA SUPPORT STRUCTURE WITH APPURTENANT ANTENNAS AND EQUIPMENT STORAGE FACILITIES ON THE PROPERTY DESCRIBED AS A PORTION OF LOTS 11 AND 12, BLOCK 34, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.61.060 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representatives O'Rourke and Castro commented.

The following City staff members commented:

1. Mr. George G. Sarmiento, Deputy Director of Planning.
2. Mr. Rudy Valdez, Chief Urban Planner.

The following member of the public commented:

Mr. Nick Romano, T-Mobile, USA, Inc., commented.

Motion duly made by Representative O'Rourke, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE:

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16165

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00057, TO ALLOW FOR A GROUND-MOUNTED CELLULAR TELECOMMUNICATIONS ANTENNA SUPPORT STRUCTURE WITH APPURTENANT ANTENNAS AND EQUIPMENT STORAGE FACILITIES ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 22, BLOCK H, THOMAS MANOR UNIT SEVEN, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.22.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

See Ordinance 16164 for discussion.

Motion duly made by Representative O'Rourke, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **DELETE** the following item:

City Manager's report of current events and issues.

Representatives Lozano, Castro, Presi Ortega, Jr. and Holguin, Jr. were not present for the vote.

Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:45 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Representative Presi Ortega, Jr. was not present for the vote.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

21A. Masako Chamness, et al vs. City of El Paso, et. al.; Cause No. 2005-2357 in the 168th District Court. (551.071)

21B. Discussion and Action to authorize the attorneys representing the City to enter into a Settlement Agreement in El Paso Electric Company's Petition for Authority to Increase Fuel Factor and for Fuel Surcharge Public Utility Commission of Texas Docket 31332. (551.071)

21C. *Rita Rodriguez v. The City of El Paso*, Cause No. 2004-4957 in the 34th District Court. (551.071)

Motion made by Representative Presi Ortega, Jr., seconded by Representative O'Rourke and unanimously carried to **ADJOURN** the Executive Session at 1:22 p.m. and **RECONVENE** the meeting of the City Council, during which time the following motions were made:

.....
Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **POSTPONE ONE (1) WEEK** the following Executive Session item:

Masako Chamness, et al vs. City of El Paso, et. al.; Cause No. 2005-2357 in the 168th District Court. (551.071)

.....
Motion made by Representative O'Rourke, seconded by Representative Byrd and carried to authorize the attorneys representing the City of El Paso to **ENTER INTO A SETTLEMENT AGREEMENT** in El Paso Electric Company's for Authority to Increase Fuel Factor and for Fuel Surcharge, Public Utility Commission of Texas Docket No. 31332, SOAH Docket No. 473-05-7660.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representatives Lozano, Castro and Holguin, Jr.

Ms. Lisa Turner, citizen, commented.

Mayor Cook commented.

Mr. Charlie McNabb, City Attorney commented.

Representatives Presi Ortega, Jr., Steve Ortega, Holguin, Castro, O'Rourke, Byrd, and Lozano commented.

Mr. Norman Gordon, outside bond counsel, commented.

.....
Motion made by Representative Lozano, seconded Representative Byrd and unanimously carried to **POSTPONE ONE (1) WEEK AND EXPLORE OTHER SETTLEMENT OPTIONS AS DISCUSSED IN EXECUTIVE SESSION:**

Rita Rodriguez v. The City of El Paso, Cause No. 2004-4957 in the 34th District Court. (551.071)

At 11:52 a.m., Mayor Cook explained that he and Ms. Joyce Wilson, City Manager, would need to leave and requested the Council vote on the item at this time.

Representative O'Rourke commented.

The following City staff members commented:

1. Ms. Wilson explained that the motion had failed last week.
2. Mr. Charlie McNabb, City Attorney, stated that he did not have the written motion at this time.

Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd and unanimously carried to **ADJOURN** this meeting at 1:42 p.m.

.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk